

February 14, 1963.

Passed on File.

Senate File 194

By SHOEMAN, ELTHON, TURNER, LONG,
HANSEN, WALKER, WALTER and LUCKEN.

An Act relating to the creation of a single examining and licensing board for physicians and surgeons, osteopaths, and osteopathic physicians and surgeons and matters relating thereto.

Passed Senate, Date.....

Passed House, Date.....

Vote: Ayes..... Nays.....

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section one hundred forty-seven point one (147.1),
2 Code 1962, is amended by striking from lines two (2) and three
3 (3) of subsection two (2) the words "osteopath, osteopath and
4 surgeon," and inserting in lieu thereof the words "osteopath,
5 osteopathic physician and surgeon,".

6 Further amend said section by striking from lines two (2) and
7 three (3) of subsection three (3) the words "osteopathy, oste-
8 opathy and surgery" and inserting in lieu thereof the words "oste-
9 opathy, osteopathic medicine and surgery".

1 Sec. 2. Section one hundred forty-seven point two (147.2),
2 Code 1962, is amended by striking from line three (3) the word
3 "osteopathy" preceding the word "and" and inserting in lieu
4 thereof the words, "osteopathic medicine".

1 Sec. 3. Section one hundred forty-seven point thirteen
2 (147.13), Code 1962, is amended by inserting in line four (4)
3 after the word "surgery" appearing in lines three (3) and four (4)
4 the words "and osteopathy, and osteopathic medicine and surgery".

5 Further amend said section by striking from lines five (5) and
6 six (6) the following:

7 "for osteopathy and osteopathy and surgery, osteopathic exami-
8 ners;".

1 Sec. 4. Section one hundred forty-seven point fourteen
2 (147.14), Code 1962, is amended by striking from line three (3)
3 the words ", medical examiners".

4 Further amend said section by adding at the end thereof the
5 words "and the medical examiners which shall consist of six mem-
6 bers".

1 Sec. 5. Section one hundred forty-seven point fifteen
2 (147.15), Code 1962, is hereby repealed and the following en-
3 acted in lieu thereof:

4 "Every dental, podiatry, chiropractic, nurse, optometry,
5 pharmacy, cosmetology, barbering, and funeral director and em-
6 balmer examiner shall be a person licensed to practice the pro-
7 fession for which the board, of which he is a member, conducts
8 examinations for licenses to practice such profession. The
9 medical examiners shall consist of six persons, five of whom
10 shall be licensed to practice medicine and surgery and one of
11 whom shall be licensed to practice osteopathic medicine and sur-
12 gery."

1 Sec. 6. Section one hundred forty-seven point seventeen
2 (147.17), Code 1962, is hereby repealed and the following en-
3 acted in lieu thereof:

4 "In addition to the preceding requirements, each of the five
5 medical members of the board of medical examiners shall be a
6 graduate of some reputable school of medicine and the osteopathic
7 physician and surgeon member shall be a graduate of some reputa-
8 ble school of osteopathy or osteopathic medicine and surgery."

1 Sec. 7. Section one hundred forty-seven point nineteen

2 (147.19), Code 1962, is hereby repealed and the following enacted
3 in lieu thereof:

4 "The members of each examining board shall be appointed for
5 a term of three years, except the dental and nurse examiners who
6 shall be appointed for a term of five years and except the medi-
7 cal examiners, the medical members of which shall be appointed
8 for a term of five years and the osteopathic physician and surgeon
9 member of which shall be appointed for a term of three years. No
10 nurse examiner shall be appointed to more than two consecutive
11 terms. The term of each examiner shall commence on July 1 in the
12 year of appointment and the terms of the members of each board
13 shall be rotated in such a manner that one examiner shall retire
14 each year except the board of medical examiners in which two ex-
15 aminers shall retire in years when the three year term of the
16 osteopathic physician and surgeon member expires. Nothing con-
17 tained in this Act shall affect the terms of present members of
18 any examining board except the osteopathic members."

1 Sec. 8. Section one hundred forty-seven point twenty (147.20),
2 Code 1962, is amended by adding at the end thereof the following:

3 "The names of the osteopathic nominees for the appointment to
4 the board of medical examiners shall be submitted to the governor,
5 as herein provided every third year, the first list shall be sub-
6 mitted for the term beginning July 1, 1963."

1 Sec. 9. Section one hundred forty-seven point twenty-four
2 (147.24), Code 1962, is amended by striking from line three (3)
3 the word "ten" and inserting in lieu thereof the word "twenty-
4 five".

1 Sec. 10. Section one hundred forty-seven point thirty-nine
2 (147.39), Code 1962, is amended by striking from line ten (10)

3 the word "railroad" and inserting in lieu thereof the word
4 "travel".

1 Sec. 11. Section one hundred forty-seven point forty-nine
2 (147.49), Code 1962, is amended by adding at the end thereof the
3 following:

4 "The department of health may, upon the recommendation of the
5 medical examiners, accept in lieu of the examination prescribed
6 in section one hundred forty-eight point three (148.3) of the
7 Code, or division 'C' of section twenty-nine (29) of this Act,
8 a license to practice medicine and surgery or osteopathic
9 medicine and surgery, issued by the duly constituted authority
10 of another state, territory or foreign country. Endorsement
11 may be accepted by the department of health in lieu of further
12 written examination without regard to the existence or nonex-
13 istence of a reciprocal agreement, but shall not be in lieu of
14 the standards and qualifications prescribed by section one hun-
15 dred forty-eight point three (148.3) of the Code or division 'C'
16 of section twenty-nine (29) of this Act."

1 Sec. 12. Section one hundred forty-seven point seventy-four
2 (147.74), Code 1962, is amended by inserting in line one (1) of
3 the third (3rd) paragraph after the word "osteopathic" the words
4 "physician and".

5 Further amend said section by inserting in line five (5) of
6 said paragraph after the word "Osteopathic" the words "Physician
7 and".

1 Sec. 13. Amend section one hundred forty-seven point eighty
2 (147.80), Code 1962, by repealing all of subsections one (1) and
3 two (2) and inserting in lieu thereof:

4 "1. For a license to practice dentistry, issued upon the
5 basis of an examination given by the dental examiners, twenty-
6 five dollars or, issued under a reciprocal agreement, fifty dol-
7 lars.

8 2. For a license to practice medicine and surgery or osteo-
9 pathic medicine and surgery, issued upon the basis of an examina-
10 tion given by the medical examiners, fifty dollars. For a li-
11 cense to practice medicine and surgery, osteopathic medicine and
12 surgery or osteopathy, issued by endorsement or under a reciprocal
13 agreement, one hundred dollars."

14 Further amend said section, subsection three (3), lines one
15 (1) and two (2), by striking the word "osteopathy".

16 Further amend said section one hundred forty-seven point
17 eighty (147.80), subsection seven (7), by striking the word "or"
18 in line five (5) and inserting in lieu thereof the following
19 "osteopathic medicine and surgery, or osteopathy shall be five
20 dollars, and except the renewal fee to practice".

21 Further amend said section by adding a new subsection as fol-
22 lows: "The department may issue a duplicate license, which shall
23 be so designated on its face, upon satisfactory proof the original
24 license issued by the department has been destroyed or lost, upon
25 payment of a fee of five dollars."

1 Sec. 14. Section one hundred forty-seven point one hundred
2 two (147.102), Code 1962, is amended by striking from line four
3 (4) the word "osteopathy" following the word "or" and inserting
4 in lieu thereof the words "osteopathic medicine".

1 Sec. 15. Section one hundred forty-seven point one hundred
2 three (147.103), Code 1962, is hereby repealed and the following

3 enacted in lieu thereof:

4 "Subject to the approval of the executive council, the chiro-
5 practic examining board may employ such clerical assistance as
6 may be necessary to said board to perform the duties imposed upon
7 it by law. Payment for such assistance shall be made out of the
8 appropriation provided by said examining board in the biennial
9 departmental appropriations. The executive council shall also
10 furnish said board with the necessary quarters and all articles
11 and supplies required for public use, and the provisions of sec-
12 tion one hundred forty-seven point twenty-six (147.26) of the
13 Code shall not apply to said board.

14 All fees paid to the department by practitioners of medicine
15 and surgery, osteopathic medicine and surgery and osteopathy, shall
16 be transmitted by the department to the treasurer of state who
17 shall receipt therefor and who shall keep such fees in a separate
18 fund to be known as the 'state board of medical examiners fund',
19 to be used by the medical examiners to assist in administering
20 and enforcing the laws relating to the practice of medicine and
21 surgery, osteopathic medicine and surgery and osteopathy. Such
22 fund shall be continued from year to year and the treasurer shall
23 keep a separate account thereof showing receipts and disbursements
24 and any remainder in said fund in excess of twenty-five thousand
25 dollars at the end of each calendar year shall be paid into the
26 general fund of the state. Said fund shall be subject at all
27 times to the warrant of the state comptroller drawn upon written
28 requisition of the chairman of the medical examiners and attested
29 by the secretary, for the payment of all salaries, per diem ex-
30 pense, and other expenses necessary to administer and aid in the

31 enforcement of the provisions of law relating to the practice
32 of medicine and surgery, osteopathic medicine and surgery and
33 osteopathy, but in no event shall the total expenses therefor
34 exceed the total fees collected and deposited to the credit of
35 said fund.

36 The medical examiners may appoint an inspector, who shall not
37 be a member of the examining board, to properly administer and
38 aid in the enforcement of the provisions of the law relating
39 to those licensed to practice medicine and surgery, osteopathic
40 medicine and surgery and osteopathy, by said board. The amount
41 of compensation for such inspector shall be approved by the
42 executive council and paid from the 'state board of medical
43 examiners fund'."

1 Sec. 16. Upon the effective date of this Act, the terms of
2 the members of the board of osteopathic examiners only shall
3 expire, and the secretary of said board shall deliver to the
4 secretary of the board of medical examiners all records of the
5 osteopathic board. Until June 30, 1963, the chairman of the
6 board of osteopathic examiners shall be the osteopathic physician
7 and surgeon member of the board of medical examiners.

1 Sec. 17. Section one hundred forty-eight point two (148.2),
2 Code 1962, subsection four (4), is amended by striking from lines
3 one (1) and two (2) the words "osteopaths and surgeons" and in-
4 serting in lieu thereof the words "osteopathic physicians and
5 surgeons".

1 Sec. 18. Section one hundred forty-eight point three (148.3),
2 Code 1962, is amended by striking the period (.) in line two (2)
3 of subsection one (1) and inserting in lieu thereof the following:

4 “, or present other evidence of equivalent medical education
5 approved by the medical examiners.”

6 Further amend said section by striking subsection two (2) and
7 inserting in lieu thereof the following:

8 “Pass an examination prescribed by the medical examiners
9 which shall include the subjects of anatomy, chemistry, physiol-
10 ogy, materia medica and therapeutics, obstetrics, pathology,
11 medicine, public health and hygiene and surgery. The board of
12 medical examiners may require written, oral, and practical ex-
13 aminations of the applicant.”

1 Sec. 19. Section one hundred forty-eight point six (148.6),
2 Code 1962, is amended by inserting in line eight (8) after the
3 word “surgery” the words “osteopathic medicine and surgery, or
4 osteopathy”.

1 Sec. 20. Section one hundred forty-eight point seven (148.7),
2 Code 1962, is amended by inserting in line three (3) after the
3 word “surgery” the following: “osteopathic medicine and surgery,
4 or osteopathy”.

1 Sec. 21. Chapter one hundred forty-eight (148), Code 1962,
2 is amended by adding the following new section:

3 “The medical examiners may, in their discretion, issue a
4 temporary certificate authorizing the licensee to practice medi-
5 cine and surgery or osteopathic medicine and surgery whenever,
6 in the opinion of the medical examiners, a need exists therefor
7 and the person possesses the qualifications prescribed by the
8 medical examiners for such license, which shall be substantially
9 equivalent to those required for licensure under chapter one
10 hundred forty-eight (148) of the Code or section twenty-nine

11 (29) of this Act, as the case may be. The medical examiners
12 shall determine in each instance those eligible for this license,
13 whether or not examinations shall be given, and the type of
14 examinations. No requirements of the law pertaining to regular
15 permanent licensure shall be mandatory for this temporary li-
16 cense except as specifically designated by the medical examiners.
17 The granting of a temporary license does not in any way indicate
18 that the person so licensed is necessarily eligible for regular
19 licensure, nor are the medical examiners in any way obligated
20 to so license such person.

21 The fee for such license shall be twenty-five dollars. The
22 license shall be valid for a period not to exceed one year from
23 the date of issuance thereof and shall not be renewable. The
24 medical examiners may cancel a temporary certificate at any time,
25 without a hearing, for reasons deemed sufficient to the medical
26 examiners.

27 When the medical examiners cancel a temporary certificate
28 they shall promptly notify the licensee by registered United
29 States mail, at his last named address, as reflected by the files
30 of the medical examiners, and the temporary certificate shall
31 become terminated and of no further force and effect three days
32 after the giving of said notice to the licensee."

1 Sec. 22. Section one hundred fifty point one (150.1), Code
2 1962, is amended by striking from the last two (2) lines the
3 words "and is not subject to the provisions of said chapter"
4 and by inserting in lieu thereof the following: "nor the prac-
5 tice of osteopathic medicine and surgery within the meaning of
6 section twenty-nine (29) of this Act, and is not subject to the
7 provisions of chapter one hundred forty-eight (148) of the Code

8 or section twenty-nine (29) of this Act, except sections one
9 hundred forty-eight point six (148.6) to one hundred forty-eight
10 point nine (148.9), inclusive”.

1 Sec. 23. Section one hundred fifty point two (150.2), Code
2 1962, is amended by striking subsection two (2).

1 Sec. 24. Section one hundred fifty point three (150.3), Code
2 1962, subsection one (1), is amended by inserting in line two (2)
3 after the word “surgery,” the words “osteopathic medicine and
4 surgery,”.

5 Further amend said section, subsection two (2), by striking
6 from lines four (4) and five (5) the words “or osteopathic physi-
7 cians and surgeons”; also by striking from line eight (8) the
8 words “or osteopathic physician or surgeon”.

9 Further amend said section by striking all of subsection three
10 (3).

1 Sec. 25. Sections one hundred fifty point four (150.4),
2 one hundred fifty point five (150.5) and one hundred fifty point
3 six (150.6), Code 1962, are hereby repealed.

1 Sec. 26. Section one hundred fifty point seven (150.7),
2 Code 1962, is amended by striking from said section all after the
3 word “surgery.” in line four (4).

1 Sec. 27. Section one hundred fifty point eight (150.8), Code
2 1962, is amended by striking from lines one (1) and two (2) the
3 words “or osteopathy and surgery”.

1 Sec. 28. Chapter one hundred fifty (150), Code 1962, is
2 amended by adding the following new section:

3 “After the effective date of this Act, no license to practice
4 osteopathy shall be issued, provided that the department of
5 health shall issue renewal licenses to practice osteopathy

6 as provided in chapter one hundred forty-seven (147) of the
7 Code and the department, upon recommendation of the medical
8 examiners, may grant a license to practice osteopathy by reci-
9 procity or endorsement if the applicant holds a valid license to
10 practice osteopathy or osteopathic medicine and surgery issued
11 by another state prior to the effective date of this Act.”

1 Sec. 29. Title Eight (VIII), Code 1962, is amended by adding
2 the following as a new chapter:

3 A. For the purpose of this title, the following classes of
4 persons shall be deemed to be engaged in the practice of osteo-
5 pathic medicine and surgery:

6 1. Persons who publicly profess to be osteopathic physicians
7 and surgeons, or who publicly profess to assume the duties inci-
8 dent to the practice of osteopathic medicine and surgery.

9 2. Persons who prescribe, or prescribe and furnish medicine
10 for human ailments or treat the same by surgery.

11 3. Persons who act as representatives of any person in doing
12 any of the things mentioned in this section.

13 B. Division “A” hereof shall not be construed to include
14 the following classes of persons:

15 1. Persons who advertise or sell patent or proprietary medi-
16 cines.

17 2. Persons who advertise, sell, or prescribe natural mineral
18 waters flowing from wells or springs.

19 3. Students of medicine or surgery or osteopathic medicine
20 and surgery, who have completed at least two years study in a
21 medical school or college of osteopathic medicine and surgery
22 approved by the medical examiners, and who prescribe medicine
23 under the supervision of a licensed physician and surgeon or

24 osteopathic physician and surgeon, or who render gratuitous
25 service to persons in case of emergency.

26 4. Licensed physicians and surgeons, podiatrists, osteopaths,
27 chiropractors, nurses, dentists, optometrists, and pharmacists
28 who are exclusively engaged in the practice of their respective
29 professions.

30 5. Physicians and surgeons of the United States army, navy
31 or public health service when acting in the line of duty in
32 this state, or physicians and surgeons, or osteopathic physi-
33 cians and surgeons, licensed in another state, when incidentally
34 called into this state in consultation with a physician or surgeon,
35 or osteopathic physician and surgeon, licensed in this state.

36 C. Each applicant for a license to practice osteopathic
37 medicine and surgery shall:

38 1. Either comply with all of the following:

39 a. Present a diploma issued, after the effective date of this
40 Act, by a college of osteopathic medicine and surgery approved
41 by the medical examiners or present other evidence of equivalent
42 medical education approved by the medical examiners.

43 b. Pass an examination prescribed by the medical examiners
44 in subjects including anatomy, chemistry, physiology, materia
45 medica and therapeutics, obstetrics, pathology, medicine, public
46 health and hygiene and surgery. The board of medical examiners
47 may require written, oral and practical examinations of the appli-
48 cant.

49 c. Present to the state department of health satisfactory
50 evidence that the applicant has completed one year of internship
51 in a hospital approved by the medical examiners. No hospital
52 shall be approved which does not provide the internship without

53 expense to the intern. Until July 1, 1968, any osteopathic hos-
54 pital which has been approved by the American Osteopathic Associ-
55 ation for internship training shall, by virtue thereof, stand as
56 provisionally approved by the medical examiners unless the medical
57 examiners, by majority action, including the osteopathic physi-
58 cian and surgeon member, shall disapprove.

59 d. Be a citizen of the United States or have legally declared
60 his intention of becoming a citizen.

61 2. Or comply with the following:

62 a. Present a valid license to practice osteopathy in this
63 state together with satisfactory evidence that he has completed
64 either: (1) a two-year postgraduate course, of nine months each,
65 in an accredited college of osteopathy, osteopathic medicine and
66 surgery or medicine approved by the board of medical examiners
67 of Iowa, involving a thorough and intensive study of the subject
68 of surgery as prescribed by such medical examiners, or (2) a
69 one-year postgraduate course of nine months in such accredited
70 college, and in addition thereto, has completed a one-year course
71 of training as a surgical assistant in a hospital having at least
72 twenty-five beds for patients and equipped for doing surgical
73 work.

74 b. Pass an examination as prescribed by the medical examiners
75 in the subject of surgery, which shall be of such character as
76 to thoroughly test the qualifications of the applicant as a prac-
77 titioner of major surgery.

78 D. Any college of osteopathic medicine and surgery which does
79 not permit the medical examiners to make such reasonable annual
80 inspection as they desire shall not be approved by the medical ex-
81 aminers. Until July 1, 1968, any college of osteopathic medicine

82 and surgery which is accredited by the American Osteopathic As-
83 sociation shall, by virtue thereof, stand as provisionally ap-
84 proved by the medical examiners unless the medical examiners, by
85 majority action including the osteopathic physician and surgeon
86 member, shall disapprove.

87 E. The board of supervisors of any county may enter into con-
88 tract with one licensed hereunder for the care and treatment of
89 its indigent sick.

90 F. One licensed hereunder shall have the right to examine
91 applicants, recommend admissions and make reports in connection
92 with the admission of patients to all state-owned institutions.

93 G. The state department of health may, with the approval of
94 the medical examiners, accept in lieu of the examination pre-
95 scribed in section "C" a certificate of examination issued by
96 the National Board of Osteopathic Examiners of the United States
97 of America, but every applicant for a license upon the basis of
98 such certificate shall be required to pay the fee prescribed for
99 license issued under reciprocal agreements.

100 H. On the effective date of this Act, all persons licensed
101 under the provisions of chapter one hundred fifty (150) of the
102 Code to practice osteopathy and surgery, shall be deemed to
103 be licensed as osteopathic physicians and surgeons under this Act.

1 Sec. 30. This Act, being deemed of immediate importance,
2 shall be in full force and effect from and after its publication
3 in the _____, a newspaper published at
4 _____, Iowa, and in the _____, a
5 newspaper published at _____, Iowa.